

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

CRIM. NO. 99-295 (DRD)

Plaintiff,

vs.

MICHELLE RODRIGUEZ-MATOS (4)

Defendant

**FIRST MOTION REQUESTING CONTINUANCE OF SENTENCING HEARING *SINE*  
*DIE* AND REQUEST FOR ADDENDUM TO PRE SENTENCE REPORT BY  
DEFENDANT, MICHELLE RODRÍGUEZ-MATOS (4)**

**BEFORE THE HONORABLE COURT:**

Comes now defendant MICHELLE RODRIGUEZ-MATOS (4) through the undersigned counsel and respectfully sets forth and prays:

1. The sentencing hearing in the instant case is scheduled for **September 2<sup>nd</sup> 2005**.
2. It seems that there are documents and information at the institution where defendant was designated prior to being transferred to Metropolitan Detention Center which should be considered by this Court at the time of re-sentencing.
3. It is thus necessary to obtain copies of these documents and information so that the Probation Officer can review them and prepare an **ADDENDUM TO PRE SENTENCE REPORT** to assist the Court when imposing sentence to defendant as an individual pursuant to **U.S. vs. Booker, \_\_\_ US \_\_\_, 125 S. Ct. 738; 160 L Ed**

**2d 268 (2005).**

4. **Booker, supra**, did not do away with the application of **18 USC §3553(a)(1)** which instructs the Court to consider not only the nature and circumstances of the offense, but most importantly, the history and characteristics of the defendant.
5. As the Court recalls, Defendant was sentenced more than two years ago, specifically on **March 27, 2003** to life in prison. [Docket # 404].
6. Thus, after discussing the resentencing proceedings with the defendant, it is necessary to request that the court continue the hearing for re sentencing *sine die* until such time as the ADDENDUM to the PRE SENTENCE REPORT is prepared by the Probation Officer, timely disclosed to counsel and the Court.

WHEREFORE, defendant, Michelle RODRÍGUEZ-MATOS prays that the Court grant her request to set aside *sine die* the sentencing hearing and enter an ORDER addressed to the Probation Office with instructions to include all of the adjustments made by her while under custody in an ADDENDUM TO THE PRE SENTENCE REPORT, timely disclosing it to counsel prior to the sentencing hearing.

Respectfully submitted. San Juan, Puerto Rico, August 30, 2005.

I certify: On this date, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all interested parties.

I further state that I have sent a copy of this document by other means to the **U.S. PROBATION OFFICE**, 150 Carlos Chardón Avenue, U.S. Federal Building Room #400, San Juan, Puerto Rico 00918; FAX 787-766-5945; and to Ms. **Michelle Rodríguez Matos**,

**#19156-069**, Metropolitan Detention Center, P.O. Box 2147, San Juan, Puerto Rico 00922.

*S/JOSE C. ROMO MATIENZO*

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